

law also construed it as murder. Through the Middle Ages the sale of children was not common, but the custom of exposure continued.¹ The primitive usages of the Teutons included exposure of infants. The father by taking the child up from the ground ordained that it should live. It was then bathed and named. Rulers exposed infants lest dependent persons should be multiplied. Evil dreams also caused exposure. When the Icelanders accepted Christianity a minority stipulated that they should still be allowed to eat horseflesh and to practice exposure of infants.² In old German law infanticide was treated as the murder of a relative. The guilty mother was buried alive in a sack, the law prescribing, with the ingenious fiendishness of the age, that a dog, a cat, a rooster, and a viper should also be placed in the sack.³ In ancient Arabia the father might kill newborn daughters by burying them alive. The motive of the old custom was anxiety about provision for the child and shame at the disgrace of having become the father of a daughter.⁴ In the Koran it is forbidden to kill children for fear of starvation. In modern countries infanticide has been common or rare according to the penalties, in law or the mores, upon husbandless mothers. In the sixteenth century, in Spain, illegitimate births were very common. Infanticide was very uncommon, but abandonment (foundlings) took its place. The foundlings became vagabonds and rogues.⁵

328. EtMcs of abortion and infanticide. Abortion and infanticide are at war with the

attachment of parents to children, which is a sentiment common, but not universal, amongst animals while the offspring are dependent. It might seem that these customs have been abolished by speculative ethics. In fact, they have not been abolished. They have been modified and have been superseded by milder methods of accomplishing the same purpose. It is evidently a question at what point parental affection begins to attach to the child. We think that we have gained much over savage people in our notion of murder, but it appears that primitive men did not dare to take anything out of nature without giving an equivalent for it, and that they did not dare to kill anything without first sacrificing it to a god, or afterwards conciliating the spirit of the animal or of its species. If it is murder to prevent a life from coming into existence, it

¹ *Polyptique de Irminon*, I, 287.

² Weinhold, *D. F.*, I, 93, 96; II, 93.

³ Rudeck, *Oeffentl. Sittlichkeit*, 182.

⁴ Wellhausen, *Ehe bei den Arabern*, 458.

⁵ **Chandler, *Romances of Roguery in Spain*, 30.**